



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

Sent electronically and via Fed Ex mail

August 9, 2013

Clifford Villa
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 6th Ave, Suite 900
Seattle, WA 98101

RE: SUPPORT FOR ASBESTOS CLEANUP AND ACCEPTANCE OF CONSULTATION REQUEST

Dear Mr. Clifford Villa,

This letter is in response to the Environmental Protection Agency's ("EPA") proposed plan to clean up asbestos contaminated materials located on Yakama lands at 3860 Ashue Road, as well as the EPA's request for a government-to-government consultation with the Yakama Nation Tribal Council. On behalf of the Confederated Tribes and Bands of the Yakama Nation, I would like to voice our support for the EPA's cleanup efforts and accept the EPA's request for government-to-government consultation.

The Confederated Tribes and Bands of the Yakama Nation is a federally recognized Tribe pursuant to the Treaty with the Yakamas of 1855 (12 Stat. 951). In the Treaty of 1855, our ancestors reserved for our People the right to the exclusive use and benefit of our reservation lands, and established a trust relationship between the United States and the Yakama Nation that has been consistently reaffirmed by the Federal Government. This trust relationship requires that the Federal Government work on a government-to-government basis with the Yakama Nation to help ensure the future health, safety, and welfare of the Yakama People. These goals were threatened when the Wapato School Board, Wapato Superintendent, and its construction contractors illegally dumped asbestos contaminated waste on Yakama Nation Reservation lands. The Yakama Nation will not tolerate the dumping of toxic waste on our lands, nor will we tolerate the threat that toxic waste poses to our People.

Due to the illegal dumping of asbestos contaminated materials on our Reservation lands in violation of Tribal, Federal, and State laws, the Yakama Nation calls upon the EPA to assist in the immediate clean up of our lands and to hold accountable those parties responsible for these illegal and immoral actions. We urge the EPA to exhaustively investigate and pursue every civil and criminal violation to the fullest extent of the law, and to share all relevant information to assist the Yakama Nation in its own prosecution efforts. By working together in this manner, the Yakama Nation and the Federal Government will send a strong message that our Reservation lands are not a free dumpsite for irresponsible school boards, superintendents, and contractors to hide their hazardous waste.

Finally, the Yakama Nation formally accepts the EPA's request for government-to-government consultation to update Tribal Leadership on the ongoing cleanup effort, any resulting effects of the pollution, and the EPA's future prosecution efforts. If you have technical questions or concerns please contact Derald Ortloff, Yakama Nation Solid Waste, at (509) 865-5121. Please contact Julio V. A. Carranza, Lead Attorney, to schedule the proposed government-to-government consultation or in regard to any legal matters at (509) 865-7268 or julio@yakamanation-olc.org.

Respectfully,

A handwritten signature in cursive script, appearing to read "Harry Smiskin".

HARRY SMISKIN, CHAIRMAN
YAKAMA NATION TRIBAL COUNCIL